

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

UNITED STATES OF AMERICA,)
)
Plaintiff,)
)
v.) No. 4:15CR441 CDP
)
TERRANCE WILSON and)
DONALD STEWART,)
)
Defendants.)

MEMORANDUM AND ORDER

This case is set for trial on October 10, 2017, and is now before me on the pretrial motions filed by defendants Terrance Wilson and Donald Stewart. Pursuant to 28 U.S.C. § 636(b), the motions were referred to United States Magistrate Judge Noelle C. Collins. Judge Collins held a hearing on the motions and thereafter filed her Report and Recommendation, which recommended that all of the motions be denied. Both defendants have filed objections to the Magistrate Judge's recommendations.

I have conducted *de novo* review of the motions and all matters relevant to them. Although the motions presented only legal issues, I have read the transcript of the pretrial hearing, have fully considered the briefs filed on the original

motions as well as the objections, and have independently researched the controlling law. After fully considering all of these matters I will adopt and sustain the thorough reasoning of Magistrate Judge Collins as set out in her Report and Recommendation.

In particular, I note that the indictment sufficiently alleges all the elements of the crimes charged, and the detail provided is sufficient under the law. Defendants have not shown that severance is necessary, although the Court always retains the right to decide to sever the trial if later information indicates that such a result is appropriate. Upon the record before me, I do not believe that either defendant will be unfairly prejudiced by a joint trial. Finally, to the extent defendant Wilson seeks dismissal because the government did not file its response to his motions by the deadline initially set by the court, Wilson has not shown that he was prejudiced in any way by this delay in filing the response.

After Judge Collins filed her Report and Recommendation, defendant Wilson filed another motion to relieve counsel and for appointment of new counsel. He argues that he has now created a conflict of interest by his filing of a complaint against his lawyers with the Missouri Supreme Court Office of Chief Disciplinary Counsel. Wilson has repeatedly complained about his lawyers and

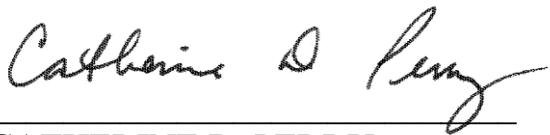
has repeatedly withdrawn the complaints when questioned by the Court. As has been pointed out by Judge Collins, Wilson's complaints about his counsel and his request that new counsel be appointed are inconsistent with his argument that he should have a speedy trial. This is an extremely complex case, the discovery produced thus far has been extensive, and if new counsel were appointed it would undoubtedly delay the trial of the case by at least several months. The motion is also inconsistent with his request that he continue to have the appointment of two counsel even though this case is no longer a capital case. The record reflects that defense counsel have been extremely diligent in their preparation of the case. I will deny this latest motion regarding counsel.

Accordingly,

IT IS HEREBY ORDERED that the Report and Recommendation of the United States Magistrate Judge [#99] is **SUSTAINED, ADOPTED, and INCORPORATED** herein.

IT IS FURTHER ORDERED that defendants' various motions to dismiss and for a bill of particulars and their motions to sever defendants [67, 74, 77, 86] are denied.

IT IS FURTHER ORDERED that defendant Wilson's motion for speedy trial and to set aside finding of complex litigation and his motion to relieve counsel and for appointment of new counsel [75, 76, 101] are denied.



CATHERINE D. PERRY
UNITED STATES DISTRICT JUDGE

Dated this 11th day of May, 2017.